



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hideaki TANAKA

Group Art Unit: 1722

Application No.: 10/073,409

Examiner: J. Mackey

Filed: February 13, 2002

Docket No.: 111867

For: TIRE VULCANIZING MOLD

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the October 1, 2003 Election of Species Requirement, the period for reply extended to December 1, 2003 by a Petition for Extension of Time filed herewith, Applicant provisionally elects Species B3 with traverse. At least claims 12 and 17-21 read on the elected species. At least claims 12 and 19-21 are generic.

The Office Action asserts two genres, namely genus A and genus B. Applicant submits that two genus and seven species are not an unreasonable number. See 37 CFR §1.141(a) and MPEP §806.04(a). In addition, it is respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter for one species would encompass a search for the subject matter for the other species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803, in which it is stated that "if the search and examination of an entire application can be made without serious burden, the Examiner must

examine it on the merits, even though it includes claims two independent or distinct inventions." (emphasis added).

It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office. Thus, withdrawal of the Election of Species requirement is respectfully requested.

Further, the Examiner is also requested to consider the reference submitted with the Information Disclosure Statement filed on May 1, 2002. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if, for some reason, the Information Disclosure Statement is missing from the PTO file.

Respectfully submitted,



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JAO:SSK/jcp

Date: November 21, 2003

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